IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO.4725 OF 1995

Central Bank of India ...Plaintiffs
vs.

Popular Forge (Madras)
P.Ltd. ...Defendants

Mr.Avinash Joshi i/b M/s.Mulla & Mulla for the Plaintiffs

CORAM: A.S.OKA,J.
DATE : OCTOBER 3,2007

P.C.:

1. The plaintiffs have filed this suit for recovery of a sum of Rs.91,813.60 together with interest on the principle amount of Rs.60,946.37 at the rate of 18% p.a. from the date of the suit till realisation of the payment.

2. By order dated 16th October 1997, the summons for Judgment taken out by the plaintiffs was disposed of. This Court granted leave to defend the suit to the defendants subject to deposit of a sum of Rs.40,000/-. The learned counsel for the plaintiffs pointed out that the deposit of sum of Rs.40,000/- was to be made within a period of 10 weeks from 16th October 1997 and till today the amount has not been deposited.

3. The learned counsel for the plaintiffs has tendered on record the original documents. A compilation of the documents is taken on record and marked ‘X’ for identification.

4. Considering the facts and circumstances of the case, and original documents tendered on record, in view of clause (b) of sub rule 6 of Rule 3 of Order XXXVII of the Code of Civil Procedure, the plaintiffs are entitled to a Judgment. As pointed out earlier, the plaintiffs have produced on record the bill dated 16th December 1997 drawn by M/s.Brassco Extrusions Ltd. which has been accepted for payment by the defendants on 28th January 1993. A letter dated 31st October 1995 sent by the Indian Overseas bank to the plaintiffs records that the aforesaid bill was returned unpaid. In view of the aforesaid, the suit stands decreed as per the prayer made therein.

5. The plaintiffs will be entitled to refund of court fees, if any, as per rules. Certified copy is expedited.

JUDGE